

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
:
v. : **MAGISTRATE NO. 19-1846**
:
WILLAM COIT :

ORDER

AND NOW, this _____ day of May 2020, the Court finds that the defendant and the government are engaging in discussions which may affect the charges against the defendant and that the defendant does not oppose the government's motion for continuance. The Court further finds that these reasons cause the ends of justice to best be served by granting a continuance in this matter, and that these reasons outweigh the interests of the public and the defendant in a speedy trial.

WHEREFORE, in accordance with Title 18, United States Code, Section 3161(h)(7)(A), it is hereby ORDERED that the time in which an Indictment or Information must be filed in the above action is continued for a period of 30 days, until July 1, 2020.

BY THE COURT:

HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **MAGISTRATE NO. 19-1846**
 :
 WILLIAM COIT :

**GOVERNMENT’S UNOPPOSED MOTION FOR CONTINUANCE
PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3161(h)(7)(A)**

The United States of America, by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, Salvatore L. Astolfi, Assistant United States Attorney, and Brendan J. O'Malley, Special Assistant United States Attorney, for that district, respectfully moves for a continuance of the time within which an Indictment or Information must be filed in this case, and in support of this motion states as follows:

1. On November 4, 2019, the defendant was arrested on a complaint and warrant and charged with unlawful dealing in firearms, in violation of Title 18, United States Code, Section 922(a)(1)(A), possession of a firearm by a felon, in violation of Title 18, United States Code, Section 922(g)(1), and distribution of a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). On November 5, 2019, the defendant had his initial appearance on the complaint.

2. On November 8, 2019, the Honorable Elizabeth T. Hey ordered the defendant be held in custody pending further proceedings, including the filing of an Indictment or Information.

3. The Speedy Trial Act, 18 U.S.C. § 3161 et seq., requires that an Indictment or Information be filed within 30-days from the date on which the defendant had his initial appearance, in this case that date was December 4, 2019. 18 U.S.C. § 3161(b).

4. On December 2, 2019, the government filed an unopposed motion for extension of time within which to file an Indictment or Information in this case and on the same day, United States Magistrate Judge Jacob P. Hart granted the motion thereby extending the date within which to file an Indictment or Information to January 3, 2020.

5. On December 20, 2019, the government filed an unopposed motion for extension of time of 30-days from January 3, 2020, within which to file an Indictment or Information in this case and on the same day, United States Magistrate Judge Thomas J. Rueter granted the motion thereby extending the date within which to file an Indictment or Information to February 2, 2020.

6. On January 28, 2020, the government filed an unopposed motion for extension of time of 30-days from February 2, 2020, within which to file an Indictment or Information in this case and on January 29, 2020, United States Magistrate Judge Richard A. Lloret granted the motion thereby extending the date within which to file an Indictment or Information to March 3, 2020.

7. On March 2, 2020, the government filed an unopposed motion for extension of time of 30-days from March 3, 2020, within which to file an Indictment or Information in this case and on March 3, 2020, United States Magistrate Judge Linda K. Caracappa granted the motion thereby extending the date within which to file an Indictment or Information to April 2, 2020.

8. On March 31, 2020, the government filed an unopposed motion for extension of time of 60-days from March 31, 2020, within which to file an Indictment or Information in this case and on March 31, 2020, United States Magistrate Judge Lynne A. Sitarski granted the motion thereby extending the date within which to file an Indictment or Information to June 1, 2020.

9. Counsel for the government and for the defendant are continuing to engage in discussions which could potentially effect the charges against the defendant and which may also lead to a non-trial disposition of this matter. In fact, the government has provided a guilty plea agreement to defendant's counsel, however due to the current restrictions on visitation at the Federal Detention Center, Philadelphia, counsel has not been able to meaningfully discuss the guilty plea agreement with her client.

10. According to counsel for the defendant, the defendant does not oppose this request for a 30-day extension of the time in which to file an Information or an Indictment.

11. Filing an Indictment or Information within the time frame set forth in 18 U.S.C. § 3161 et seq., would result in a miscarriage of justice by denying the defendant an opportunity to negotiate prior to the filing of formal charges in the district court and causing unnecessary litigation in this matter. The parties believe that the best interest of the public and justice will be served by the granting of an additional 30-days from June 1, 2020, in which to file an Indictment or Information.

WHEREFORE, for the above reasons, it is respectfully submitted that the ends of justice will be served best by the granting of a continuance of 30-days of the time within which to file an Indictment or Information in this case, that is, until July 1, 2020.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney

SALVATORE L. ASTOLFI
Assistant United States Attorney
Chief, Violent Crime Unit

s/Brendan J. O'Malley
BRENDAN J. O'MALLEY
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the uncontested motion for extension and exclusion of time under the speedy trial act was served by email to:

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s/ Brendan J. O'Malley

BRENDAN J. O'MALLEY

Special Assistant United States Attorney

Dated: May 29, 2020